

Remarks

Claims 1-20 were previously pending. Claims 21-33 have been added, claims 2-4 and 8 have been cancelled without prejudice, and claims 5-7, 9, 15 and 19-20 have been amended. Hence, claims 1, 5-7 and 9-32 are pending.

The Office Action rejects claims 1-3 and 7-20 under 35 U.S.C. §103(a) as being unpatentable over McClure et al. (US 6,250,548) (hereinafter “McClure”) in view of West et al. (US 6,175,833) (hereinafter “West”). Office Action of Nov. 19, 2003 at p. 2. This rejection is respectfully traversed in relation to independent claim 1.

Claim 1 provides a method for verifiable voting that includes, *inter alia*, receiving election selections, producing a receipt representative of the election selections and including a receipt number, and publishing the election results that include the receipt number. Such an approach can be used to create a more transparent election system where, as just one example, the receipt number can be used to “determine that their list of voter selections was received and counted correctly.” Application at p. 3, ll. 16-20.

At the outset, it should be recognized that none of the cited art are directed to methods similar to those claimed for verifying that votes have been received and properly counted. Accordingly, it should not be any surprise that the cited art, either alone or in combination, fails to disclose, teach or suggest Applicant’s claims. As one example, McClure specifically limits itself to validating the occurrence of a vote and in fact teaches away from any post election verification that a voter’s election selection was either received or counted. In particular, McClure discloses that “to assure voter secrecy”, the “TNC 50 maintains the fact that a voter cast

his/her vote **but not which vote it was.**” McClure at col. 43, ll. 43-46 (emphasis added). Thus, not only does McClure fail to disclose some of the aspects for which it is cited (see Office Action of 11/19/2003 at p. 2, l. 24 - p. 3, l. 25), it actually teaches away from and contradicts the proposition on which the rejection relies. With such an explicit teaching away, McClure is not properly combinable with West or Anno in any way that renders Applicant’s claims obvious. Hence, Applicant respectfully requests withdrawal of the rejections and allowance of claims 1, 5-7 and 9-32 for at least this reason.

In addition, the Office Action points out that “McClure fails to specifically teach or fairly suggest of publishing election results in public places such as an electronic bulletin board.” Office Action of Nov. 19, 2003 at p. 3. While this is true, the failings of McClure go much farther. In fact, not only does McClure fail to teach publication of election results, it fails to disclose, teach or suggest providing election results that include a receipt number as set forth in claim 1.

The rejection relies on West to overcome the admitted failure of McClure, however, West utterly fails to disclose, teach or suggest publication or display of election results that include a receipt number. Rather, the disclosure of West is limited to an Internet based “survey” system for asking participants about current events such as, for example, whether the participant “thinks the Chicago Bulls will win the NBA title?” West at col. 4, ll. 28-42. To prevent the same browser from submitting multiple votes, the browser is assigned a “global unique identifier” when a survey site is accessed. West at col. 5, ll. 47-60. The next time the survey site is accessed, the browser is identified and presented with survey results rather than another opportunity to vote. West at col. 6, ll. 28-38. These survey results are displayed without the

“global unique identifier”, and indeed it is both unnecessary and unlikely that a user accessing the browser would even know about the “global unique identifier”. Said another way, performing the processes disclosed by West neither include, nor are in any way advanced by publishing the “global unique identifier”. Accordingly, West does not motivate, teach or suggest providing election results that include the receipt number in the manner set forth in claim 1.

In the Advisory Action of 3/24/04, the examiner posits that the “GUID is an identifier which can retrieve voter/voting record, which in essence, serves the same function as a receipt.” However, even if this is the case (which it is not), West still does not disclose, teach or suggest publishing the election results that include the receipt number as set forth in claim 1. The GUID is not intended for publication, and West does not suggest that it would be published. Accordingly, it does not “serve the same function as a receipt.”

Because McClure admittedly fails to teach Applicant’s claimed approach to providing election results and West similarly fails, even if a combination of West and McClure was proper (which it is not), the combination would not support a *prima facie* case of obviousness. Claims 5-7 and 9-32 include similar limitations and/or depend from allowable independent claims. Hence, for at least this additional reason, Applicant respectfully requests withdrawal of the rejection and allowance of claims 1, 5-7 and 9-32.

Applicant’s discussion of particular arguments of the Examiner should not be construed as a concession by applicants with respect to any other positions of the Examiner. Applicants’ assertion of arguments of patentability for certain claims should not be construed as suggesting that there are not also other good reasons why those or other claims are patentable.

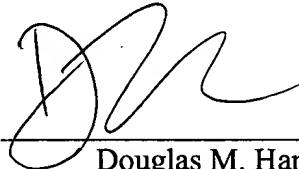
CONCLUSION

In view of the foregoing, Applicants submit that all claims now pending in this Application are in condition for allowance. Therefore, an early Office Action to that effect is earnestly solicited. If the Examiner believes a telephone conference would aid in the prosecution of this case in any way, please call the undersigned at 303-607-3500.

The \$874.00 fee for the RCE; additional claims; and the petition for a second month extension are included in the credit card form PTO-2038. Please charge any additional fees required or credit any overpayments for this Amendment to Deposit Account 06-0029.

Dated: April 16, 2004

Respectfully submitted,



Douglas M. Hamilton
Reg. No. 47,629

FAEGRE & BENSON LLP
3200 Wells Fargo Center
1700 Lincoln Street
Denver, CO 80203
Phone: (303) 607-3500
Fax: (303) 607-3600

DNVRI:60262456.01